

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

ERIC L. JEFFRIES, : Case No. 1:02-CV-351  
Plaintiff, :  
VS. :  
CENTRE LIFE INSURANCE COMPANY : **AMENDED ORDER**<sup>1</sup>  
Defendant. :

On April 13, 2004, a final pretrial conference was held in this matter. Michael A. Roberts appeared on behalf of the plaintiff, who was in attendance; William R. Ellis and Peter M. Burrell appeared on behalf of the defendant. The plaintiff's wife, Sue was also in attendance. The proceedings were recorded by Official Court Reporter, MaryAnn Ranz.

The court having heard counsel and being advised,

IT IS ORDERED as follows:

1. That the trial in this case remains set to begin on Monday, April 19, 2004 at 9:00 a.m. The plaintiff's breach of contract and bad faith claims will be decided by jury trial. The Court will also hear plaintiff's claim for declaratory

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<sup>1</sup> The Court issues this Amended Order to correct the list of witnesses identified in Doc. No. 235. In that order, the Court inadvertently listed Dr. Dunn as a witness for trial.

judgment regarding his entitlement to benefits in the future. The defendant's claim for recoupment of overpayment of benefits will also be decided by jury trial.

2. That the Court will conduct the initial voir dire of the jury, then each side will have fifteen (15) minutes to further voir dire the jury;

3. That during the trial beginning April 19, 2004, each side will have 30 hours to present its case. Time expended in the making, arguing and deciding of objections will be charged to the non-prevailing party. This 30 hours does not include the time each side will have for closing, the amount of time for which will be determined by the Court during trial;

4. Witnesses that will be presented during trial are as follows:  
Dr. Michael McClellan, Dr. Byron Hyde, Dr. Burton Waisbren, Dr. Charles Poser, Dr. Mark Geier, Dr. Michael Hawkins, Dr. Paula Shear, Mary Fuller, Dr. Bullard, Dr. Clionsky, Dr. Frey, Dr. Hartings, Eric Jeffries, Sue Jeffries, K. Rodger Davis, Rick Turek, Jennifer Nichols, Jeff Champagne or other of Defendant's agents or employees, Dr. Deverajan, Eileen Sweeney, Dr. Mitchell Clionsky, Andrew Cohen, John Graff, Lucinda Palmer.

5. That the parties should meet before trial to edit down the deposition testimony to be presented at trial;

6. The amount of punitive damages will be determined, if necessary, in a separate proceeding commencing immediately after the return of the verdict upon

the other substantive claims of the parties (see paragraph 1, supra.) If punitive damages will be available in this case.

This 16th day of April, 2004.

s/Sandra S. Beckwith  
Sandra S. Beckwith  
United States District Judge